



IN THE MATTER of US Patent
Application Number 09/890,064
entitled TRANSFORMATION AND
REGENERATION OF ALLIUM
PLANTS

AND

IN THE MATTER of United States
Patent Application No: 09/890064
made by NEW ZEALAND
INSTITUTE FOR CROP & FOOD
RESEARCH LIMITED

STATUTORY DECLARATION

I, Colin Eady of Southbridge, New Zealand do hereby, solemnly and sincerely declare that:

1. _____ I am one of the inventors of US application number 09/890,064 entitled "Transformation and Regeneration of Allium Plants".

2. THE technique developed to transform onions (*Allium cepa* L.) as described in application US 09/890,064 can be applied to Alliums of other species.

3. _____ I have demonstrated this application of the method in US 09/890,064 to other Allium species including *Allium porrum* (Leek) and *Allium sativum* (garlic). The results have been accepted for publication in Eady C.C.; Davis, S.; Catanach, A.; Kenel, F.; Hunger S (2005). *Agrobacterium tumefaciens*-mediated transformation of leek (*Allium porrum*) and garlic (*Allium sativum*). *Plant Cell Reports (In press)*. A copy of the citation is attached as Annex A.


4. _____ I submit that anyone skilled in the art, reading the disclosure of US 09/890,064 would readily be able to apply the techniques described in the application to other *Allium* species including leek and garlic without further inventiveness.

5. THE publication referred to under paragraph 3 is, I submit, evidence that the technique described in the present application can be applied to other species of *Allium* and that therefore the description of US 09/890,064 in enabling for other species of *Allium*.

AND I MAKE THIS solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

DECLARED at Christchurch
this 23 day of March
2005

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Colin Eady

BEFORE ME



Solicitor/Justice of the Peace/Notary Public/Commissioner of Oaths

SDEC4286609

KRIS DAVID MORRISON
SOLICITOR
CHRISTCHURCH